

*At ~~Part~~ of the United States  
District Court of the Eastern  
District of New York  
at the Courthouse located  
at 225 Cadman Plaza East,  
Brooklyn, NY 11201 on the  
14<sup>th</sup> day of June,  
2012.*

**PRESENT:**

**HON.:** \_\_\_\_\_

-----X  
MORRIS WEINGARTEN, an infant under the  
age of fourteen years, by his mother and natural  
guardian, RIVKA WEINGARTEN, and  
RIVKA WEINGARTEN, Individually,

10 Civ. 607 (~~ERK~~)(VVP)

Plaintiffs,

- against -

TOYS "R" US - VALUE, INC. and  
TOYS "R" US, INC.,

Defendants.  
-----X

**UPON**, reading and filing the annexed Petition of RIVKA WEINGARTEN, duly verified on the 17<sup>th</sup> day of May, 2012, the Affirmation of DAVID JAROSLAWICZ, duly sworn to on the 9<sup>th</sup> day of January, 2012, the report of Infant Plaintiff's Pediatrician, Susan K. Schulman, M.D. dated March 29, 2012 and upon all the exhibits annexed hereto and it appearing that the best interests of the Infant Plaintiff, MORRIS WEINGARTEN, will be served by the aforesaid

settlement;

*AND*, the Infant Plaintiff, MORRIS WEINGARTEN, and his mother and natural guardian, Plaintiff, RIVKA WEINGARTEN, having appeared before this Court on the 14<sup>th</sup> day of June, 2012;

*NOW*, on Motion of JAROSLAWICZ & JAROS, the attorneys for the Plaintiffs, it is hereby

**ORDERED**, that RIVKA WEINGARTEN be and hereby is authorized to settle and compromise the action brought in the United States District Court of the Eastern District of New York as against the Defendant, TOYS "R" US DELAWARE, INC., i/s/h/a TOYS "R" US - VALUE, INC. and TOYS "R" US, INC., in the total sum of \$25,0000.00, for Infant Plaintiff, MORRIS WEINGARTEN, attributable to the cause of action for his pain and suffering; and it is further

**ORDERED**, that out of the \$25,000.00 settlement, the Defendant, TOYS "R" US DELAWARE, INC., is to pay the sum of \$5,950.17 to JAROSLAWICZ & JAROS, the attorneys for the Infant Plaintiff, as and for their attorneys' fee, plus disbursements in the sum of \$7,149.50 for a total payment to JAROSLAWICZ & JAROS of \$13,099.67; and it is further

**ORDERED**, that the balance remaining representing Infant Plaintiff's share of the settlement, to wit: the sum of \$11,900.33 shall be payable by the Defendant, TOYS "R" US DELAWARE, INC., to RIVKA WEINGARTEN as mother and natural guardian of the Infant, MORRIS WEINGARTEN, jointly with an officer of TD Bank located at 4526 13<sup>th</sup> Avenue, Brooklyn, New York 11219 to be deposited in the name of the mother, in an account yielding the highest rate of interest available as provided hereinafter to the credit of and for the sole use of the

Infant Plaintiff and; it is further

**ORDERED**, that the funds shall be turned over to the Infant upon his reaching the age of eighteen (18), upon presentation of proper proof of age to the aforesaid bank and without further written Order of this Court; and it is further

**ORDERED**, that the time deposits or certificates of deposit accounts shall be continuously renewed upon maturity at the highest rate of interest then available, except that the date of maturity shall not extend beyond Infant Plaintiff's eighteenth (18<sup>th</sup>) birthday, and when no such time deposit or certificate of deposit accounts are available, the accumulated funds shall then be placed in the bank's insured money market account; and it is further

**ORDERED**, that there shall be no right of withdrawal from the aforesaid accounts, including any market accounts, until Infant Plaintiff's eighteenth (18<sup>th</sup>) birthday, except upon the further written Order of this Court; and it is further

**ORDERED**, that the necessity for the filing of a bond be and the same is hereby dispensed with; and it is further

**ORDERED**, that upon the presentation of future estimated State and Federal tax forms, and upon presentation of the passbooks and/or statements, the banks will issue drafts payable to the IRS and New York State Tax Commission for payment of future taxes.

ENTER :

s/VVP

~~J. S. C.~~ U.S. M. J.